

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS ALONSO BARILLAS-GAMERO,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

No. 1:20-cv-00589-NONE-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (Doc. No. 12)

ORDER GRANTING RESPONDENT'S
MOTION TO DISMISS (Doc. No. 10)

ORDER DISMISSING PETITION FOR WRIT
OF HABEAS CORPUS

[NO CERTIFICATE OF APPEALABILITY IS
REQUIRED]

Petitioner is a former immigration detainee proceeding in propria persona with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On June 2, 2020, the assigned magistrate judge issued findings and recommendations recommending that respondent's motion to dismiss the pending petition as moot be granted because petitioner has been released from immigration detention on an order of supervision. (Doc. Nos. 10, 12.) The findings and recommendations were served upon all parties and contained notice that any objections were to be filed within ten (10) days from the date of service of that order. To date, no party has filed objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the court has conducted a de novo review of the case. Having carefully reviewed the entire file, the court concludes that the

findings and recommendations are supported by the record and proper analysis.

In the event a notice of appeal is filed, a certificate of appealability will not be required because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention complained of arises out of process issued by a State court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997); *see Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th Cir. 1996).

Accordingly, the Court orders as follows:

1. The findings and recommendations, filed June 2, 2020 (Doc. No. 12), are

ADOPTED IN FULL;

2. Respondent's motion to dismiss (Doc. No. 10) is GRANTED;

3. The petition for writ of habeas corpus is DISMISSED;

4. The Clerk of Court is directed to assign a district judge to this case for the purpose of closing the case and then to ENTER JUDGMENT AND CLOSE THE CASE; and,

5. In the event a notice of appeal is filed, a certificate of appealability will not be required.

This order terminates the action in its entirety.

IT IS SO ORDERED.

Dated: July 16, 2020


UNITED STATES DISTRICT JUDGE